

# TOWN OF WEARE

## PLANNING BOARD

15 Flanders Memorial Rd - PO Box 190

Weare NH 03281

Phone: 603-529-2250 - Fax: 603-529-7527

November 18, 2010 - Meeting Minutes

**\*\*FINAL COPY\*\***

**PRESENT:** Craig Francisco, Chairman; Frank Bolton, Vice Chairman; Thomas Clow, George Malette, Neal Kurk, Chip Meany, Sheila Savaria, Recording Secretary

**GUESTS:** Jerry Haynes, Charles Cleary, Matt Shapiro, Joel Sletten, Mike Huettnner, Bob Huettnner, Tristrom Gordon, Michael Brown, Gary Chicoine, Bryan Fournier, Daniel Muller, Mary Graves, Jack Dearborn, Russell Barton, Roger Keilig, Mike Dahlberg

**I: CALL TO ORDER:**

Chairman Craig Francisco called the meeting to order at 7:05 pm at the Weare Town Office Building.

**II: PUBLIC HEARINGS:**

Minor Site Plan review, Driveway Change to Original Subdivision Plan  
Twin Bridge Land Management, LLC  
Twin Bridge Road  
Tax Map 411-191.2 & 191.3

**Comments:**

Police Department - No concern in this minor change in addition from a law enforcement perspective.

Judy Rogers - Noted that there are numbers that are wrong. Lot 199 should be 191, and 191.2 should be 191.1.

Board of Fire Wards - Require a 20' x 50' turnout at 200' from Twin Bridge Road.

PRLAC - No problem as long as it doesn't alter the original site plan.

Chip Meany noted that all abutters were notified, including PRLAC and the Town of New Boston. Chairman Francisco said he had no problem with the change, but would like a new mylar made up reflecting the changes.

Tom Clow moved to approve changes to the site plan to remove the shared driveway and make 2 separate driveways for lot 191.3 and 191.2, with the conditions of changing the mylar to reflect lot 191.2 to 191.1 at the east, and 191 (to the north in 3 places). Frank Bolton seconded the motion, all voted in favor.

**Site Plan Review Continuation**

21 B&B Lane LLC

21 B&B Lane

Tax Map #411-194

Charles Cleary opened by saying it was important to keep in mind that the bark mulch business is a permitted use in the industrial zone, and that one of the purposes of the industrial zone is to increase the number of locally based jobs while making a valuable contribution to the Town's tax base. At prior meetings, Roger Keilig presented the storm water plan, and Earl Sandford presented the sound survey of the tub grinder. It was determined that the numbers shown operated within the guidelines of the zoning ordinance. In terms of hours of operation, Mr. Haynes agreed to limit the hours for his tub grinder from 7am - 5pm generally, to nightfall on occasion, and not on Saturdays or Sundays. From April - June, he'd like to operate from 7am - 7pm and on Saturday mornings. The tub grinder will not operate at night. They met with Mr. and Mrs. Graves on site and discussed a variety of options, but were

unable to come to a final agreement. Despite the fact that it is a permitted use, Mr. Haynes agreed to install a muffler on the tub grinder to reduce noise at the source.

Roger Keilig - Chairman Francisco asked Mr. Keilig if he had considered infiltration. Mr. Keilig responded by saying that in most cases the water will never come out of the swale, and only in the worst case scenario will there be runoff. Infiltration is the reason there is such a thick top soil. Also, a wet pond wouldn't work on this site since the water table is shallow. Chairman Francisco asked if there is going to be a discharge into the drainage ditch. Mr. Keilig said there would be some, but the swale has a velocity reduction function. The primary objective is to keep it away from Mr. Merrill's well and treating it. Tom Clow addressed the Board, saying that the plan has been approved by Wilcox & Barton and they shouldn't second guess it.

Russ Barton, Wilcox & Barton - Mr. Barton said the Roger Keilig has done a lot to satisfy the requests of Mr. Rooks and of the Planning Board. Mr. Barton discussed the letter from Wilcox & Barton which recommended approval of the design, and addressed the items they recommend be incorporated into the final approval of the plan. Of note, he feels that it is important to have the EPA multi-sector general permit as a condition of the approval. Neal Kurk explains that he feels the problem with the conditions are that they are indefinite and they don't give clear guidance to the CEO or the applicant, and it could be a source of dispute in the future.

**Public Comment:**

Mike Brown - Mr. Brown feels it is senseless to put a young kid through this who is trying to make a living. He goes on to say he has a lot more equipment that makes even more noise. He owns 4 units, and has paid the Town a lot of money over the years, and feels there is a backdoor attempt to regulate what is going on in the industrial park. His business sometimes requires him to leave at 1am. It is not fair to regulate his hours and come down on the guys who are trying to work hard. Mr. Bolton responded by saying the board is reacting to a situation brought before them because the Planning Board exists. He has never seen something before the board that has mentioned issues in the industrial park, but this is being heard because of the change of use.

Matt Shapiro - Mr. Shapiro said industrial park is great for the Town of Weare, and he has been able to employ high school kids in the past. He feels Mr. Hayne's machine is not too loud and he is doing everything he can to please everyone. Mr. Shapiro feels the hours of operation are unreasonable in an industrial park, and he will operate 24/7 if necessary to make a living.

Gary Chicoine, 21 B&B Lane - Mr. Haynes has cleaned the property, and it looks great. The noise is not an issue, and tenants and uses are changed all the time. People move in the area knowing the industrial park is there. If they moved there, they should make their own buffer.

Joel Sletten, business owner in the area - Mr. Sletten is supportive of Mr. Hayne's business and feels there should be no restrictions put on it. He does not support changing the laws on existing locations for the people who have moved in knowing the park was there.

Jack Dearborn - Mr. Dearborn thanked Mr. Haynes for his great concessions, and he appreciates the piling of the mulch and his attempts at silencing the diesel. He accepts Mr. Sandford's acoustic testing and says it was done correctly. Also, he reviewed the swale plan and agrees it will work for the 24 hour period of 4 ½ inches of rain. He is still concerned about a deluge of water coming, and the water having nowhere to go. Mr. Dearborn read a part of section 29.13.2 that states that runoff of impervious surfaces shall be recharge on site. The current design does that, but it is up to the Board to require it to be absolute. Should this be approved, and someone doesn't like it, they could file an administrative appeal at the Zoning Board and possibly require a variance.

Daniel Muller, Cronin & Bisson - Representing Mary and Doug Graves, direct abutters to the property.

Mr. Muller explained that the Graves are concerned about the impact this will have on their property. There are 2 issues that need to be addressed. First is the issue of noise. While they appreciate the concession in regards to the muffler, no one knows how well it will work yet. He goes on to say that not only is the noise loud, but it is persistent. Mr. Muller suggests there may be a legal problem since there are 2 uses on this property and only 1 principle use is allowed per regulations, and there is no variance for it. The other issue is that the bark mulch piles for dampening noise are temporary. They would like to see a year-round buffer to serve not only to dampen noise, but to block the view of the property. Mr. Muller says the hours of operation are important because the Graves can hear trucks dumping loads at 4am, and it disturbs their quiet enjoyment that the zoning ordinance in section 3.2 is designed to protect.

Charles Cleary concludes by saying no one else in the park has been subject to a change of use before the Board. They have agreed to reduce the volume of operation to satisfy the abutter, although perhaps they should have been the ones responsible for putting up a buffer since they moved in after the park. As the abutters testified, they won't stop the noise from their businesses, and it is wrong to limit Mr. Haynes. Mr. Haynes has cleaned up the lot, making the view better than before, and the mulch will serve as a buffer approximately 9 months out of the year.

Tom Clow moved to approve the site plan with the following conditions:

1. The points made in the letter from Wilcox & Barton shall be followed.
  - A) Storm water management permit coverage for the site is available under EPA's 2008 Multi-Sector General Permit, Subsector A – Timber Products. The appropriate monitoring requirements have been listed on the design drawings. In addition, the MSGP requires preparation and adherence to a Stormwater Pollution Prevention Plan that outlines Best Management Practices, sampling and analysis requirements, and procedures to minimize the migration of contaminants via stormwater that comes into contact with stored materials. Permit coverage is achieved through filing of a Notice of Intent. Permit coverage and ongoing compliance should be a condition of Planning Board approval.
  - B) State regulations and prudent practice dictate that vegetation must be established and maintained within the treatment swale. Proper maintenance of the swale vegetation and other stormwater controls, in accordance with the design drawings, should be a condition of Planning Board approval.
  - C) The applicant is requesting town approval to renovate the roadside ditch fronting the parcel. We recommend approval of this request.
  - D) The stormwater routing model is dependent upon proper functioning of the roadside ditch downstream of the facility. We understand that responsibility for ditch maintenance falls to the town. A periodic maintenance program should be established to ensure that off property flow issues do not create problems at the subject site.
2. Obtain permission from the Board of Selectman to improve and reconstruct the road side ditch
3. Install a muffler on the grinder per plan
4. Change note 3 on sheet 2 to reflect tub grinder in hours of operation.

Neal Kurk seconded the motion, all voted in favor.

### **III: OTHER BUSINESS:**

Minutes: Chip Meany made a comment that on the November 4 minutes, he had asked the recording secretary to research further what had been said at the meeting due to hearing from several people that elements were missing. Additional changes to the minutes were discussed, and Tom Clow moved to approve the November 4 minutes as amended; George Malette seconded, all voted in favor.

The board discussed the fact that the proposed zoning ordinance changes needed to be posted 10 days prior to a public hearing. Mr. Meany said that he would post them in the Union Leader the following day.

Chairman Francisco mentioned a note about new Senate bill 328, which basically says the Planning Board has to accept an application as complete, even if the applicant requires a variance for that use.

**IV: ADJOURNMENT:**

As there was no further business to come before the board, Tom Clow moved to adjourn the meeting at 9:40pm; Frank Bolton seconded, all voted in favor.

Respectfully submitted,

Sheila Savaria  
Recording Secretary